IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

WP(C).No. 12025 of 2007(F)

PETITIONER:

V.T.CHANDRAN,PRESIDIENT,VELUR SERVICE
CO-OP.BANK LTD.NO.465,VELUR P.O,THRISSUR.

BY ADV. SRI.P.N.MOHANAN

RESPONDENTS:

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1. JOINT REGISRAR OF CO-OP.SOCIETIES (G)
THRISSUR.

2. ASST.REGISTRAR OF CO-OP.SOCIEITIES (G),
THALAPPALLY.

3. REGISTRAR OF CO-OP.SOCIETIES,
THIRUVANANTHAPURAM.

R1 TO 3 BY GOVERNMENT PLEADER SHRI. P.K. RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/11/2007, ALONG WITH WPC NO. 13909 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE COMPLAINT 30.8.06 OF SHRI. C.P. PAUL

EXT.P2: -DO- OF THE RESOLUTION OF THE MANAGING COMMITTEE DT. 25.7.2003

EXT.P3 SERIES: -DO- OF THE BILLS

EXT.P4: -DO- OF THE CIRCULAR NO: 55/03 DT. 3.10.2003 ISSUED BY REGISTRAR OF CO.OP SOCIETIES

EXT.P5: -DO- OF THE LICENCE ISSUEDIN FAVOUR OF THE PETITIONER'S WIFE SMT. VALSALA DT. 30.6.2006

EXT.P6: -DO- OF THE JUDGMENT IN W.P(C)5320/07 DT. 15.2.2007 BEFORE THE HONOURABLE HIGH COURT

EXT.P7: -DO- OF THE REPORT ALONG WITH COVERING LETTER DT. 22.3.07

jj /TRUE COPY/

P.A. TO JUDGE

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).Nos.12025 & 13909 OF 2007

Dated this the 30th day of November, 2007

JUDGMENT

Petitioner in the former is the President of a Co-operative Bank. An enquiry has resulted in a report, which indicts him certain grounds relatable to his conduct and also in relation to certain transactions. He challenged that report by contending that the views stated in that report are totally baseless and unfounded and are in excess of jurisdiction in as much as the maker of that report had no authority whatsoever in law to conclude as to what action, if any, should be taken against the petitioner. It is argued on his behalf that if such report is acted upon, he will be facing proceedings with the die cast against him.

2. The latter writ petition is filed by a member of that Bank, seeking a direction to take further action on the basis of the aforesaid report.

3. The report touches upon certain transactions and also an institution which is stated to be run by the wife of the petitioner in W.P(C).12025/07. While the facts disclose that the report could be looked into, it is totally inappropriate that further action follows on the basis of the recommendations in that report or on the basis of the statement thereon by treating them as findings. Not only that, the petitioner in W.P(C).12025/07, having regard to the questions involved, requires an opportunity of being heard at the hands of any authority that could take final decision in the matter. Under such circumstances, it is also inappropriate to issue any direction as sought for in W.P(C).13909/07.

In the aforesaid circumstances, W.P(C).13909/07 is closed without issuing any positive orders, while W.P(C).12025/07 is disposed of directing that the petitioner therein and the Bank and any person entitled to be heard in relation to the report in question shall be given opportunity of being heard touching all aspects of the matter and the competent authority will take a

decision on its own, untrammelled by any recommendation in the report regarding any action that could be taken.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.